

TOXIC SUBSTANCES CONTROL ACT (TSCA)

12-31. Authorization of State and Tribal Programs under Section 404

1. AUTHORITY. To perform those functions and responsibilities related to the authorization of State and Tribal Programs under Section 404 of the Toxic Substances Control Act (TSCA) including, but not limited to:

a. The processing of applications, including publication of notices of receipt in the Federal Register, for the authorization of State or Tribal Programs submitted under TSCA Section 404(a) by any State or Tribe seeking to administer and enforce a program under TSCA section 404.

b. The approval or disapproval, under TSCA Section 404(b), of an application for the authorization of a State or Tribal Program submitted by any State or Tribe seeking to administer and enforce a Program under TSCA Section 404.

c. The withdrawal of a State or Tribal Program authorization, under TSCA section 404(c), if a State or Tribe is not administering and enforcing a Program in compliance with the standards, regulations and other requirements under TSCA, Title IV, Section 404.

2. TO WHOM DELEGATED. The authority in 1., including the authority to perform those specific functions listed in 1.a., 1.b. and 1.c., are delegated to the Director, Land and Chemicals Division (LCD).

3. LIMITATIONS.

a. The delegates must consult with the Assistant Administrator for Prevention, Pesticides, and Toxic Substances and the Assistant Administrator for Enforcement and Compliance Assurance, or their respective designees, before exercising any of the above authorities with respect to determinations pertaining to the approval or disapproval of any Program application pursuant to which a State or Tribe seeks to administer or enforce standards, regulations, or other requirements established under TSCA Sections 402(a) or 406(b), and to determinations pertaining to the withdrawal of any Program pursuant to which a State or Tribe is authorized, or is deemed to be authorized, to administer or enforce TSCA Section 402(a) or 406(b) standards, regulations, or other requirements.

b. The delegates must obtain concurrence from the Assistant Administrator for Prevention, Pesticides, and Toxic Substances, unless and until such concurrence requirement is waived in writing by the Assistant Administrator for Prevention, Pesticides, and Toxic Substances, before exercising any of the above authorities with respect to determinations pertaining to the approval or disapproval of any Program application pursuant to which a State or Tribe seeks to administer or enforce standards, regulations, or other requirements established under TSCA Section 402(c)(3) and to determinations pertaining to the withdrawal of any Program pursuant to which a State or Tribe is authorized, or is deemed to be authorized, to administer or enforce TSCA Section 402(c)(3) standards, regulations, or other requirements.

4. REDELEGATION AUTHORITY. These authorities may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

- a. See delegation 12-31 (1200 TN 432; 11/24/2009) in EPA's "Delegations Manual"
- b. The Housing and Community Development Act of 1992, Title , the Residential Lead-Based paint Hazard Reduction Act of 1992 which amends the Toxic Substances Control Act (15 U.S.C. 2601) by adding Title IV – Lead Exposure Reduction.
- c. TSCA, Title IV, §§ 402, 404, 406.
- d. 40 C.F.R. Part 745.

Date: 4/20/10

/s/ William C. Early
Shawn M. Garvin
Regional Administrator